

UNITED STATES DISTRICT COURT

for the
Western District of North Carolina

United States of America

v.

GARY LEWIS DAVIS

Date of Original Judgment: November 26, 1990

Date of Last Amended Judgment: September 15, 2009

Case No: DNCW390CR000085-007

USM No: 08282-058

Pro se

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ **is reduced to** _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Original Offense Level: <u>42</u>	Amended Offense Level: <u>38</u>
Criminal History Category: <u>IV</u>	Criminal History Category: <u>IV</u>
Original Guideline Range: <u>360 months-life</u>	Amended Guideline Range: <u>324-405 months</u>

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.
- ☒ Other (explain): The application of Amendment 750 provides no change in the guideline calculations in this case following application of Amendment 706.

III. ADDITIONAL COMMENTS

Defendant sentenced to consecutive terms of 60 months and 240 months on remaining charges.

Except as provided above, all provisions of the judgment dated November 26, 1990 shall remain in effect.

IT IS SO ORDERED.

Signed: July 23, 2012

Order Date: July 23, 2012

Effective Date: _____
(if different from order date)

Max O. Cogburn Jr.
United States District Judge